

## Remarks

In the present response, three claims (21, 24, 25) are amended; and one claim (22) is canceled. Claims 1-2, 4-21, and 23-26 are presented for examination. No new matter is presented.

Applicants amend the claims in a sincere effort to place this application in condition for allowance.

### I. Claim Rejections: 35 USC § 103(a)

Claim 21 is rejected under 35 USC § 103(a) as being unpatentable over USPN 6,041,306 (hereinafter Du) in view of Applicant Admitted Prior Art (AAPA). This rejection is traversed.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. For at least the following reasons, Applicants assert that the rejection does not satisfy these criteria.

Claim 21 recites numerous recitations that are not taught or suggested in Du in view of AAPA. By way of example, claim 21 recites “determining, based on an activation rule, whether the activation of the multiple parallel instances of the same work node is **a variable-based activation**” (emphasis added). The Office Action cites Du at column 2, lines 22-51 and column 6, lines 1-6. Applicants respectfully disagree.

Column 2, lines 22-51 in Du discusses a resource manager in a WFPM and a need for a flexible WFPM that dynamically redefines the relationship with the resource managers. Notice, nowhere does this section of Du teach or suggest that multiple instances of the same work node are activated based on variable-based activation. **Du is completely silent on variable-based activation.**

Column 6, lines 1-6 in Du teaches a workflow management interface that allocates resources to a task according to “availability of the resources using the workflow management modules.” Here, Du expressly discusses “resources” not variable-

based activation. Nowhere does this section of Du teach or suggest that multiple instances of the same work node are activated based on variable-based activation. **Du is completely silent on variable-based activation.**

Further, AAPA states that “the number of activities that are executed in parallel is **always equal** to the number of resources that are available for execution of that activity” (emphasis added: p. 5, lines 10-13). AAPA teaches activation based on a number of “resources” not variable-based activation. Nowhere does AAPA teach or suggest that multiple instances of the same work node are activated based on variable-based activation. **AAPA is completely silent on variable-based activation.** Further, AAPA expressly teaches away from variable-based activation since AAPA states that the number of activities being executed is **always** equal to available resources.

For at least these reasons, claim 21 and its dependent claims are allowable over Du in view of AAPA.

In order to further distinguish Du, claim 21 is amended to recite the following (emphasis added):

reading a **variable name to determine a number** of the multiple parallel instances of the same work node to activate when the activation is based on the variable-based activation; and activating the multiple parallel instances of the same work node in the multinode **equal to the number read from the variable.**

If the Examiner maintains this rejection, Applicants respectfully ask for clarification: Where does the art of record or AAPA teach or even suggest reading a variable to determine the number of instances of a same work node to activate? Further, where does the art of record or AAPA teach or even suggest activating multiple parallel instances of the same work node equal to the number read from the variable?

For at least these reasons, claim 21 and its dependent claims are allowable over Du in view of AAPA.

## II. Claim Rejections: 35 USC § 103

Claims 22-24 are rejected under 35 USC § 103 as being unpatentable over USPN 6,041,306 (hereinafter Du) in view of Applicant Admitted Prior Art (AAPA) and US 2002/0083166 (hereinafter Dugan). Applicants respectfully traverse.

As noted above in section I, Du and AAPA do not teach or suggest all the limitations of independent claim 21. Dugan does not cure the deficiencies of Du and AAPA. Thus, for at least the reasons given above in connection with independent claim 21, dependent claims 22-24 are allowable over Du and AAPA in view of Dugan.

## III. Claim Rejections: 35 USC § 103

Claims 25-26 are rejected under 35 USC § 103 as being unpatentable over USPN 6,041,306 (hereinafter Du) in view of Applicant Admitted Prior Art (AAPA) and US 2002/0083166 (hereinafter Dugan). Applicants respectfully traverse.

Claim 25 recites:

reading an activation rule to determine if activation of the  
multinode is based on **variable-based activation**.

The Examiner argues that these recitations are shown in column 2, lines 22-51 and column 6, lines 1-6 of Du. Applicants respectfully disagree.

Column 2, lines 22-51 in Du discusses a resource manager in a WFPM and a need for a flexible WFPM that dynamically redefines the relationship with the resource managers. Nowhere does this section of Du teach or suggest that multiple instances of the same work node are activated based on variable-based activation. **Du is completely silent on variable-based activation.**

Column 6, lines 1-6 in Du teaches a workflow management interface that allocates resources to a task according to “availability of the resources using the workflow management modules” (emphasis added). Here, Du discusses “resources” not variable-based activation. Nowhere does this section of Du teach or suggest that multiple instances of the same work node are

activated based on variable-based activation. **Du is completely silent on variable-based activation.**

If the Examiner maintains this rejection, then Applicants respectfully ask the Examiner to identify a citation in Du that teaches or suggests “variable-based activation.”

For at least these reasons, claim 25 and its dependent claims are allowable over the art of record.

As another example, claim 25 recites the following (emphasis added):

reading a **variable name that is a vector to determine a number** of plural instances of the same work node to activate when the activation rule is the variable-based activation; and activating the multinode to execute **the number** of plural instances of the same work node, wherein **the number is read from the variable name.**

The Office Action cites several sections in Dugan. These sections in Dugan discuss responsibilities of a Service Administration according to its FIG. 5. For example, the Service Administration component activates data and service components and configures service nodes in accordance with information the SA receives. Nowhere does Dugan teach or suggest that the Service Administration component reads a variable name that is a vector to determine a number of instances of a same work node to activate. Further, nowhere does Dugan teach or suggest that the Service Administration component activates a multinode to execute the number of plural instances of the same work node, wherein the “the number is read from the variable name.” In which paragraph does Dugan suggest activating a given number of plural instances of the same work node based on a variable name that is a vector? In which paragraph does Dugan suggest an activation rule that is “variable-based activation?” If the Examiner maintains this rejection,

Applicants respectfully ask for clarification on which sections of Dugan teach such recitations.

For at least these reasons, claim 25 and its dependent claims are allowable over the art of record.

#### **IV. Allowable Subject Matter**

Applicants thank the Examiner for indicating allowance of claims 1, 2, and 4-20. Applicants make a sincere effort to place this application in condition for allowance. Further, Applicants respectfully ask the Examiner to telephone patent attorney Philip Lyren if a teleconference can expedite issuance of a Notice of Allowance.

### **CONCLUSION**

In view of the above, Applicants believe all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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